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Summary record of the 27th meeting
Held at Headquarters, New York, on Wednesday, 28 October 1998, at 10 a.m.

Chairman: Mr. Ball (Vice-Chairman) ..... (New Zealand)
later: Mr. Hachani (Chairman) ..... (Tunisia)
later: Mr. Ball (Vice-Chairman) ..... (New Zealand)

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98-81943 (E)

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In the absence of Mr. Hachani (Tunisia), Mr. Ball (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 107: Programme of activities of the International Decade of the World's Indigenous People (A/53/282 and 310)

1. **Mr. Ndiaye** (Director, Office of the High Commissioner for Human Rights, New York Office), introducing the item, drew attention to the reports of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (A/53/282) and on the programme of activities of the Decade (A/53/310). The two reports had been submitted, through the Secretary-General, by the High Commissioner for Human Rights in her capacity, under General Assembly resolution 52/108, as Coordinator of the Decade.

2. One of the main objectives of the programme of activities of the Decade was the adoption of a United Nations declaration on the rights of indigenous peoples and the further development of international standards and national legislation governing those rights. The drafting of the declaration was proving to be a challenge: so far, the working group set up by the Commission on Human Rights had adopted only two out of 45 draft articles. He hoped that, at its forthcoming session, the working group would bring the adoption of the declaration closer.

3. Another major objective of the Decade was to further the implementation of the relevant recommendations of high-level international conferences, and in particular the recommendation of the 1993 World Conference on Human Rights, that consideration should be given to establishing a permanent forum for indigenous people within the United Nations system. An inter-sessional ad hoc working group established by the Commission on Human Rights would meet in February 1999 to discuss the mandate, composition, financial implications and level of the permanent forum and submit its report to the Commission at its next session.

4. In its resolution 50/157, the General Assembly recommended that the objectives of the Decade should be assessed by quantifiable outcomes that would improve the lives of indigenous people and that could be evaluated halfway through the Decade, in 1999, and at its end in 2004. To that end, the Subcommission on Prevention of Discrimination and Protection of Minorities had recommended that the Office of the High Commissioner for Human Rights should be authorized to organize a three-day technical meeting in July 1999 of the Subcommission's Working Group on Indigenous Populations in order to undertake a mid-point review of the Decade and also to review the programme of activities for the remaining years.

5. With regard to the activities financed from the United Nations Voluntary Fund for Indigenous Populations and from the Voluntary Fund for the Decade, he noted that the activities were approved by the High Commissioner, as Coordinator, on the recommendation of the Fund's Advisory Group. He conveyed the High Commissioner's gratitude to all donors for their contributions to the Funds, and encouraged them to contribute on a regular basis; he urged them if possible to increase their contributions and to pay them by April 1999 so as to enable the Board of Trustees and the Advisory Group to fulfil their mandates. He also called for new donors.

6. *Mr. Hachani (Tunisia) took the Chair.*

7. **Mr. Valle** (Brazil) said that Brazil was firmly committed to promoting the rights of indigenous populations: Brazil's 215 indigenous ethnic groups, speaking about 170 languages, had experienced sustained demographic recovery over the past three decades, from a low of fewer than 60,000 people to a population currently estimated at 330,000. The provision of State benefits and the demarcation of indigenous lands, a process that was still incomplete, had contributed greatly to that recovery.

8. Brazil recognized that land rights and a safe environment were essential to the survival of indigenous populations as culturally different groups within its society because land was fundamental to their social life and because the notion of territory was directly linked to their cultural values. Under the Constitution of 1988, indigenous groups were guaranteed their original rights over the lands they traditionally occupied: the area in question, of nearly one million square kilometres – the size of France and the United Kingdom combined – represented over one tenth of Brazil's territory.

9. Many indigenous areas were still affected by illegal incursions by, among others, prospectors for gold, leading to environmental degradation and aggravating health and nutritional problems among various groups. The Federal Government was taking continuing action to exclude non-indigenous people from the demarcated areas, reclaim areas of environmental degradation and promote health care and environmental education. He cited in that connection an operation launched in December 1997 to clear the Yanomami area from another invasion, by hundreds of gold prospectors.

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10. Brazil doubted whether it was necessary to establish a new forum within the United Nations system to deal with issues relating to promotion of the rights of indigenous populations. It supported the activities of the Working Group on Indigenous Populations, and believed that existing mechanisms should be used and their efficiency improved.

11. Brazil was involved in the working group of the Commission on Human Rights on the drafting of a declaration on the rights of indigenous peoples. Because such rights were a universal concern, the declaration must be universal in scope and cover the rights of indigenous people everywhere.

12. He expressed the hope that the goals of the Decade would be achieved in full and that the Decade would become the starting point for a new era of sustainable development and full respect for indigenous rights, and not just a symbolic gesture.

13. **Mrs. Pria** (Mexico) said that, worldwide, alongside the technological revolution and the major changes in political and economic systems there was an exploding number of groups that were demanding their right to be recognized and developed; by so doing, they were seeking a transformation of the whole social structure and challenging globalization in the name of cultural uniqueness and people's control over their lives and surroundings. The forms which that phenomenon took were as many and varied as the cultures and histories that formed each identity.

14. The Constitution recognized the multicultural composition of the nation, and legislative reforms were under way, in keeping with the national consultation on indigenous rights and participation, which had made it possible to systematize the proposals of the indigenous peoples for recognition of their own specific rights.

15. Processes were also under way at the federal level and at the level of the individual states towards achieving recognition of indigenous rights in Mexico's legal system. There were four constitutional-reform initiatives on indigenous rights and culture before the Congress.

16. In response to the poverty and marginalization faced by indigenous people, various programmes were being run to provide basic services and support in terms of education, health and nutrition. Action was being taken on the administration of justice, recognition of indigenous rights, ownership of land, economic development and strengthening indigenous participation for self-determination.

17. For all peoples, land was a basic factor for production and survival, and the embodiment of their heritage. To provide legal security, the Mexican Government had set in motion a programme to certify traditional land rights which had made it possible to do away with outdated forms of tenure and guarantee land ownership. It was also running programmes to boost food production through permanent financing mechanisms.

18. Another fundamental element was the work done by indigenous women, and action was therefore being taken to amend laws that would recognize their importance as providers of food and promoters of indigenous cultures.

19. Migration was a growing phenomenon in Mexico, with complex patterns both within and outside the country. As a response, the Government was running a programme for agricultural day labourers that provided advisory services, educational support and legal and economic assistance.

20. On an average schoolday in Mexico, about a million children attended public schools for indigenous education, and in 1998 more than 1.5 million free textbooks were being distributed in many indigenous languages and dialects.

21. As part of that policy, the National Institute for Indigenous Peoples, established in 1948, was promoting a variety of activities to achieve legal and political recognition and protection of indigenous peoples' natural resources. Another aspect of the Institute's work was providing protection and bilingual defence for peoples and individuals whose rights had been violated: so far in 1998, it had obtained the release of nearly 5,000 indigenous people. It also had 24 stations broadcasting in 32 languages for an audience of 5.5 million indigenous people.

22. Mexico, mindful of its international commitments, was the largest single contributor to the Indigenous Peoples Development Fund for Latin America and the Caribbean, and would be hosting that Fund's general assembly in May 1999.

23. Mexico had taken part in various meetings within the framework of the ILO Indigenous and Tribal Peoples Convention No. 169 (1989) and had fulfilled the Convention's requirements.

24. With the proclamation of the International Decade of the World's Indigenous People, emphasis had been placed on the need for the world, as a global village, to promote inclusive practices based on the principles of tolerance and coexistence in respect of cultural and political differences. In that connection, Mexico would keep a watchful eye on the process of establishing a permanent forum for indigenous people within the United Nations system: the challenge was enormous because it meant rectifying an inequality that had built up over the course of history to the detriment not only of indigenous populations but of all minorities.

25. The time had come for a sharing of identities with tolerance as the best tool for coexistence and peace: in diversity was strength and the basis for coexistence. She expressed the hope that everyone would be capable of assuming that historic responsibility as the world entered the twenty-first century.

26. **Mr. Kolby** (Norway), speaking on behalf of the Nordic countries – Denmark, Finland, Iceland, Norway and Sweden – said that those countries remained committed to national and international action to mark the International Decade of the World's Indigenous People, welcomed the activities within the United Nations system and applauded the range of activities reported in document A/53/310. The Nordic countries were contributors to the Voluntary Fund for the Decade and to the Voluntary Fund for Indigenous Populations, and urged other Governments to contribute also.

27. The Nordic countries welcomed the increased priority given in the United Nations system to indigenous issues, and called on those agencies within the system that had not yet done so to join in mainstreaming indigenous issues in their programmes.

28. He noted that not only Governments but also non-governmental and indigenous peoples' organizations played an important role in promoting the Decade's objectives, especially cooperation between indigenous peoples themselves and also between them and Governments. In that connection, he noted that the Sami and Inuit peoples and their cultures had made valuable contributions to the Nordic societies, and strengthening those cultures and identities was a common goal of the Nordic Governments; thus, Greenland had been given home rule, elected Sami assemblies had been set up and cross-border cooperation among Sami people and with local governments in the region had enhanced awareness and development of Sami culture.

29. The Nordic countries welcomed the establishment by the Commission on Human Rights of an ad hoc working group to consider proposals for a permanent forum for indigenous people in the United Nations system, and encouraged all indigenous peoples and all States to participate in the process: the permanent forum would be an important tool for coordination and the exchange of information.

30. Although the drafting of a declaration on the rights of indigenous peoples involved many difficult issues, the Nordic countries felt that it was time to make considerable progress in agreeing on the substantive provisions at the forthcoming session of the working group. The Nordic countries wanted the declaration to be robust and capable of contributing positively to the situation of all indigenous peoples.

31. He noted that the "partnership" theme of the Decade must be aimed at fostering good relations between States and their indigenous peoples, based on equity and mutual respect. The Nordic countries called on the international community to use the Decade as a framework for making a lasting contribution to the lives of indigenous peoples and furthering their advancement worldwide, and as an opportunity to bring about significant improvements in their enjoyment of human rights.

32. **Ms. Martínez** (Ecuador) said that, in supporting the proclamation of the Decade, it had done so in recognition of Ecuador's ethnic and cultural diversity and because it was convinced that only by strengthening international cooperation would it be possible to solve the numerous social and economic problems which beset the indigenous peoples.

33. Under its 1998 Constitution, Ecuador was a sovereign, unitary, multicultural and multi-ethnic State of law; although Spanish was the official language, Quechua and the other ancestral languages were in official use among the indigenous peoples. The Constitution enumerated the collective rights of the indigenous peoples which the State was bound to recognize and guarantee. Towards that end, the Government had, *inter alia*, adopted a national human-rights plan and was implementing various programmes, within its budgetary limitations, to guarantee those rights fully.

34. The Government believed that the programme of activities for the Decade was important and was therefore grateful to the donors to the Voluntary Fund; it believed also that the indigenous peoples must participate if the objectives set forth in that programme were to be achieved. It remained committed to the Declaration and Programme of Action of the World Conference on Human Rights held in Vienna in 1993, and especially to the establishment of a permanent forum for indigenous people within the United Nations system.

35. *Mr. Ball (New Zealand), Vice-Chairman, resumed the Chair.*

36. **Mr. Estévez López** (Guatemala) said that as part of his country's commitment to achieving the objectives of the International Decade of the World's Indigenous People, his Government was promoting better living conditions and opportunities for its indigenous population through the Guatemalan Indigenous Development Fund, which was designed to promote the human development of indigenous

people and had already benefited approximately 40,000 Guatemalans. The Government attached great importance to policies aimed at ensuring full participation by indigenous peoples in order to consolidate national unity.

37. The 1996 Agreement on the Identity and Rights of Indigenous Peoples set forth a number of recommendations concerning major constitutional reforms and the establishment of five commissions to deal with indigenous questions. The reforms required amendments to the Constitution and recognition of the fact that Guatemala was a multi-ethnic, multicultural and multilingual nation. A commission for giving official status to indigenous languages had submitted a proposal which was under consideration.

38. A commission on land rights for indigenous peoples was considering such questions as the acquisition of land for indigenous communities and the legal protection of their rights. The Government was also promoting initiatives in the areas of health, education and development of indigenous communities. The Ministry of Education had drawn up policies for intercultural bilingual education as a way of building a democratic and pluralistic society based on a culture of peace and understanding.

39. The Guatemalan Government, together with the United Nations Development Programme (UNDP), had been promoting projects specially designed for indigenous groups. His delegation firmly supported the work carried out by the working group on the draft declaration on the rights of indigenous peoples, which would constitute a platform for ensuring the rights of groups that had traditionally been marginalized.

40. He expressed appreciation to the Member States that had made contributions to the Voluntary Fund for the International Decade and urged them to try to maintain and, if possible, increase them in order to achieve the objectives of the Decade.

41. **Ms. Montoya** (United States of America) said that the United States Government was committed to protecting and promoting indigenous rights and recognized the domestic dependent-nation status of the American Indian tribes, conducting bilateral relations with tribal governments.

42. Indigenous issues were gaining prominence at the United Nations and in other international forums, and that momentum should be maintained. The International Decade of the World's Indigenous People (1995–2004) focused attention on the importance of indigenous cultures to the global community, helping to combat discrimination and foster greater understanding of the needs of indigenous people.

43. Her delegation hoped that the working group on the draft declaration on the rights of indigenous people would make progress towards the adoption of the declaration. She was pleased to note the participation of indigenous representatives in the working group, which the United States viewed as vital to its success, and hoped that they would continue to participate in the negotiations later in 1998.

44. In 1994, President Clinton had directed all United States Government agencies to build relationships with the Native American tribal governments through inter-agency collaboration and an inter-agency working group on American Indians and Alaska Natives. The latter had been meeting regularly since 1996 to coordinate initiatives aimed at enabling tribes to address issues of concern. Significant progress had been made in promoting tribal self-government, crime prevention and offender rehabilitation. Programmes had been launched to prevent violence against women and to improve investigation, prosecution and handling of child abuse cases among Native Americans. A federal environmental protection strategy had been elaborated to include the development of tribal projects, while work was under way to promote economic self-determination among Native American communities.

45. The United States Department of State worked with American indigenous leaders on issues such as biological diversity, whaling, environmental protection and sustainable development, including protection of the Arctic. Defence of indigenous rights was an important goal of United States foreign policy. Her delegation urged all countries to work together with the United States to ensure that the Decade did full justice to indigenous peoples throughout the world.

46. **Mrs. Pulido** (Venezuela) said that the International Decade of the World's Indigenous People was an excellent opportunity to focus attention on that segment of the world's population in order to adopt measures to meet their particular needs and improve their living conditions. Her delegation participated in the working group on the draft declaration on the rights of indigenous peoples and felt that the establishment of a permanent forum for indigenous people within the United Nations system was an effective way to enable those groups to express their concerns and make proposals to the Organization on activities that could better meet their expectations.

47. The establishment of the indigenous project team with the Office of the High Commissioner for Human Rights (A/53/310, para. 26) was a very valuable initiative in order

to ensure that the issues were dealt with in a coherent and comprehensive manner. In addition, the Office's indigenous fellowship programme (ibid., para. 46) should be commended as a mechanism for transmitting knowledge and skills in the field of human rights. Her delegation noted with satisfaction the positive response of the specialized agencies, financial institutions and operational programmes by assigning priority to improving the living conditions of indigenous populations.

48. The adoption of national plans for the benefit of indigenous peoples was the key to ensuring the Decade's success. In recent years, the Venezuelan Government had been developing specific strategies to improve the living conditions of its indigenous peoples. The National Commission on Human Rights carried out programmes together with various governmental institutions and non-governmental human-rights organizations within the framework of commemorating the fiftieth anniversary of the Universal Declaration of Human Rights.

49. The Government would meet shortly with non-governmental organizations in order to submit a national human rights plan laying down guidelines for future action to comply with Venezuela's obligations under the international instruments to which it was a party. The plan included proposals pertaining to many aspects of indigenous issues, including the strengthening of bilingual education, setting up health-care programmes for indigenous peoples, reformulating social programmes aimed at indigenous communities, adopting a law on indigenous communities and cultures, providing interpreters for indigenous languages in administrative and judicial bodies, and strengthening border security. Those initiatives demonstrated that Venezuela was making serious efforts to meet the needs of its indigenous communities and was involving all the national and regional sectors interested in those questions.

50. **Ms. Maldonado** (Bolivia) said that her country attached particular importance to the item under consideration and stressed the need to review progress made in achieving the objectives of the Decade. Bolivia was a multi-ethnic and a multicultural State with a well-defined policy of respect for the rights of indigenous peoples. In 1998, the Government had carried out studies concerning the awarding of titles to community-held land for 23 indigenous peoples; it had also provided legal assistance to indigenous groups and standardized a set of legal norms incorporating the collective rights of indigenous peoples and relevant international principles into its national legislation.

51. In 1997 the Government had established a vice-ministry for indigenous affairs and native peoples. A number of judicial reforms had been carried out and the office of Defender of the People had been established to ensure respect for Bolivia's multi-ethnic and multicultural character and the defence of indigenous human rights in the country.

52. The Constitutional Court had been set up to prevent the abuse of power, which was of particular importance for indigenous peoples since they had specific constitutional rights. In addition, a committee on ethnic questions and native communities had been set up as an operational and research body for questions relating to indigenous peoples. The committee considered draft laws affecting the interests of indigenous peoples and acted as a link between them and State institutions.

53. The legislative branch was currently considering a draft code of penal procedure setting forth far-reaching reforms for the benefit of indigenous peoples, including the provision of translation services, recognition of common law, and assistance by experts in indigenous culture for judges and jurors. The Government had initiated an educational reform so that children could learn to read in their native indigenous languages, in accordance with the multicultural and multi-ethnic nature of Bolivian society. Programmes had been developed to train indigenous peoples in sustainable management of community lands, indigenous municipal districts and local bodies.

54. Bolivia supported the strengthening of regional cooperation and had participated actively in setting up the Indigenous Peoples Development Fund for Latin America and the Caribbean, which aimed to establish the legal, political, technical and financial conditions necessary for development of the region's native peoples.

55. Her country attached priority to the work on the draft declaration on the rights of indigenous peoples and the formulation of international norms in that regard and strongly supported the establishment of the proposed permanent forum for indigenous people within the United Nations system.

56. **Mr. Bune** (Fiji) said that his delegation welcomed the report on the programme of activities of the International Decade of the World's Indigenous People (A/53/310), in which the Secretary-General reaffirmed the international community's commitment to the world's indigenous people. The international community should address all the needs of indigenous peoples, offering them a brighter future.

57. The new millennium was an opportunity to review implementation of international commitments to the world's indigenous peoples, who had suffered from the destruction of their biodiversity and culture, discrimination in areas

including employment, housing and education and the adverse effects of the global economic crisis. Such a review should be undertaken half way into the Decade in order to ensure the success of the second half of the Decade and to aim future programmes at the social, economic and political development of the indigenous peoples.

58. While his delegation appreciated the contributions of States to voluntary funds and fellowships for indigenous populations, the overall amounts involved were wholly inadequate for the realization of their social, economic and political development needs. International funding commitments needed to be increased if the achievements of the International Decade were to have practical effect.

59. The working group on the draft declaration on the rights of indigenous peoples should hasten the adoption of the declaration, which would pave the way for an international convention on indigenous peoples. In addition, a special unit on indigenous peoples' affairs should be established within the United Nations. No effort should be spared to maintain their customs, traditions and cultures and to grant them self-governance.

60. Efforts to promulgate legal instruments to guarantee the rights of indigenous peoples should focus on their economic, social and human development and respect for their right to self-determination. The United Nations offered an ideal forum for ending the victimization of indigenous peoples. To that end, his Government called for the convening of a special session of the General Assembly to assess the achievements of the first half of the Decade and to plan programmes that would address their future development needs.

61. **Ms. Sibal** (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that the concept of multiculturalism had shaped the work of UNESCO, which strove to reconcile respect for diversity with social cohesion and the promotion of universal values.

62. The principle of respect for cultural diversity and cultural rights was enshrined in the Charter, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities also included the rights of persons belonging to minorities to participate in cultural, religious, social, economic and public life; to establish their own associations; and to maintain free and peaceful contacts with others in their group or in other States to whom they were related by national or ethnic, religious or linguistic ties.

63. UNESCO continued to promote the right to learn in one's mother tongue and to gain access to languages of wider application. Its activities in support of indigenous peoples focused on the right of all to participate in culture and on an author's rights in relation to scientific, artistic or literary production. UNESCO also aimed at strengthening the common interests of majority and minority groups, States and indigenous peoples. Such an approach was vital to the prevention of "cultural" conflicts.

64. Modern democracy offered the only context in which the rights of persons belonging to minorities and indigenous peoples could be assured, by taking account of the cultural and ethical effects of historical injustices.

65. UNESCO would continue to undertake programmes and initiatives to help indigenous peoples and persons belonging to ethnic minorities. One example was the LINGUA PAX project which aimed at promoting linguistic diversity and protecting indigenous languages through the teaching of mother tongues and of national and foreign languages. The project aimed at providing a linguistic response to the problems raised by the search for peace, the defence of human rights and the development of education for democracy.

66. **Mr. Bolchenko** (Russian Federation) said that the proclamation of the International Decade of the World's Indigenous People had speeded national efforts to establish effective systems for protecting the rights and interests of indigenous peoples. In accordance with United Nations recommendations, the Russian Federation had set up a national committee for commemorating the Decade and had adopted an all-round plan of activities, including legal and economic support for small indigenous peoples, maintaining and developing their unique identity and traditional forms of livelihood, environmental protection, education, health care and promotion of national culture.

67. A number of political and legal reforms relating to indigenous peoples had been introduced, and State institutes for the protection of their rights and interests had been established. The office of a commissioner to protect the rights and interests of small indigenous peoples had been instituted. The Assembly of the Peoples of the Russian Federation, where all the country's peoples would be represented, would be another important institution in that field.

68. More than 150 laws and other normative instruments providing legal protection for the interests of the small indigenous peoples of the north had been adopted. In 1998, the Russian Federation would resolve the question of lowering the pension age for representatives of the small

indigenous peoples of the north and reform their educational system. A federal law on the country's small indigenous peoples, which would deal with the entire range of questions relating to the status of the Russian Federation's indigenous peoples, was being considered on a priority basis. The Government was currently preparing a national survey of results achieved during the first half of the Decade.

69. His delegation shared the view concerning the still very limited scope of United Nations activities relating to indigenous peoples and welcomed the decision by the Commission on Human Rights to set up an inter-sessional working group to consider further proposals for the establishment of a permanent forum for indigenous people in the United Nations system.

70. The Russian Federation welcomed the progress made in drawing up the draft declaration on the rights of indigenous peoples and the growing mutual understanding between the representatives of States and indigenous peoples. That spirit of partnership should make it possible to bring positions closer on the more complex issues and lead to the adoption of the declaration.

71. He stressed the need to take coordinated steps to ensure respect for all the human rights of indigenous peoples on the basis of equality.

72. **Ms. Geels** (New Zealand) said that her delegation welcomed the successful integration of indigenous issues into United Nations programmes, pursuant to the proclamation of the International Decade of the World's Indigenous People. Those agencies and departments that had not already done so should take concrete steps to contribute to the Decade.

73. Governments, non-governmental and indigenous peoples' organizations also had a part to play, helping to strengthen cooperation with and to develop initiatives by indigenous peoples on indigenous issues. Of particular importance was the standard-setting exercise being carried out on the draft declaration on the rights of indigenous peoples. New Zealand strongly advocated the participation of indigenous people in the working group and hoped that negotiations would lead to a robust and constructive declaration that would receive the support of all.

74. For its part, New Zealand had recently hosted a capacity-building workshop on indigenous language revitalization, providing an opportunity to share experiences. It hoped that the specialized agencies, particularly UNESCO, would follow up on the recent discussions in the Working Group on Indigenous Populations.

75. New Zealand had contributed to the Voluntary Fund for the International Decade, to which it would shortly make an additional contribution, and to the United Nations Voluntary Fund for Indigenous Populations. It had also hosted and funded an international conference on indigenous health, which had been an excellent forum for consultations between indigenous representatives, Governments and the World Health Organization. Later in the year it would sponsor an international congress of ethnobiologists aimed at establishing partnerships for sustainable development between industry, scientists and indigenous peoples. A conference on world indigenous youth would be held in New Zealand in December 1998.

76. New Zealand had established a Decade Fund and helped fund community projects focusing on Maori language development and education. A coordinating committee of Maori organizations had been established in 1996 while the major international human rights instruments were being translated into the Maori language. New Zealand was currently considering additional activities for the Decade.

77. The Treaty of Waitangi was fundamental to the relationship between the Crown and the Maori people. The Government had committed itself to addressing socio-economic disparities between Maoris and non-Maoris and to securing a fair and lasting settlement to grievances arising from breaches of the Treaty. The Government would continue to work with the Maori people to address their concerns and to support Maori language and culture. Several historical agreements had been concluded with larger tribal groups through the treaty-claims settlement process, while a number of claims were currently in negotiation or were before the Waitangi Tribunal.

78. Work on health and educational matters focused on improving Maori economic and social opportunities, while recent changes in New Zealand's electoral system had significantly increased Maori representation in Parliament and in all political parties, consistent with the size and composition of the Maori population.

79. Those developments reflected a desire to ensure the full and equal participation of the Maori people in the economy and in decision-making, a goal which had not yet been fully achieved. New Zealand remained committed to the success of the Decade and to the improving of the situation of all indigenous peoples.

80. **Mr. Melenevs'ky** (Ukraine) said that an appropriate international instrument should be adopted to facilitate implementation of the programme of activities of the Decade. There was a need for a consensus on the draft declaration on the rights of indigenous peoples and for a

permanent forum to discuss indigenous issues. His delegation strongly believed that all issues relating to minorities should be resolved within the democratic and legal framework, helping to strengthen peace, stability and democracy in multicultural societies.

81. The working group on the draft declaration on the rights of indigenous peoples should continue to seek consensus on the text of the declaration, avoiding politicization. His delegation believed that the declaration should draw a distinction between indigenous peoples living in isolated reservations and those integrated into mainstream society. In formulating the definition of an indigenous people, self-identification should not be taken as a basic criterion, but as an additional criterion, while other criteria needed to be considered.

82. Ukraine promoted the equal rights of its citizens, regardless of their ethnic origin, religion, language or cultural traditions. Such rights were guaranteed by the Constitution and incorporated into national legislation which protected the ethnic identity of national minorities. Ukraine had been free of serious social or ethnic conflict and had appointed its own ombudsman on human rights earlier in the year.

83. Ukraine was committed to the realization of the programme of activities for the Decade and was currently working on the elaboration of relevant policies, through, *inter alia*, an expert group on indigenous people. In addition to the difficulties of legal harmonization, Ukraine had experienced organizational and financial problems with the resettlement and reintegration of people who had formerly been deported from Ukraine. The United Nations and European organizations had offered valuable assistance in that regard.

84. His delegation believed that, since the issue of indigenous peoples was a sensitive one, the declaration on the rights of indigenous peoples should include provisions prohibiting actions that sought to undermine the territorial integrity, political unity and stability of sovereign States.

85. **Mr. Simón Padrós** (Argentina) said that there were approximately half a million indigenous people in his country, representing 1.5 per cent of the total population. The 1994 constitutional reform had incorporated clear norms recognizing their ethnic and cultural identity, the community ownership of their land, bilingual and intercultural education, the preservation of their heritage and the future transfer of land for their development. That reform had prepared the way for the subsequent implementation of initiatives to protect and promote the human rights of the indigenous population.

86. In 1998, the Government had established an indigenous consultative council composed of representatives of communities throughout the country. Its objective was to establish, together with the National Institute of Indigenous Affairs, the procedures for electing councillors on the basis of consultations with the indigenous communities. His Government was fully aware of the need for land ownership, freedom to practise religion, and cultural preservation in order to ensure the identity and survival of indigenous communities, and considered it the obligation of every State to promote those factors. In that connection, he pointed out with satisfaction that, in November 1998, the Government would transfer title of ownership of 250,000 hectares of land to specific communities in one of the country's provinces.

87. Argentina was promoting intercultural bilingual education and carrying out initiatives that took account of the needs of indigenous communities, providing them with greater access to education and stays in study centres. In 1998 the National Institute of Indigenous Affairs had granted more than 1,400 secondary-level scholarships and more than 150 tertiary-level scholarships to train indigenous teachers and promote intercultural bilingual education.

88. Argentina was committed to continuing to work to strengthen international cooperation in order to assist indigenous peoples in the field of human rights, the environment, development, education and health, and would support the work of the United Nations to that end. His Government followed attentively the work of elaborating a draft declaration on the rights of indigenous peoples and supported the establishment of a permanent forum for indigenous people within the United Nations system.

The meeting rose at 12.05 p.m.

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Summary record of the 28th meeting
Held at Headquarters, New York, on Thursday, 29 October 1998, at 10 a.m.

Chairman: Mr. Hachani ..... (Tunisia)

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(a) Implementation of human rights instruments

Agenda item 106: Promotion and protection of the rights of children (*continued*)

Organization of work

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

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The meeting was called to order at 10.25 a.m.

Agenda item 110: Human rights questions (A/53/58, 74, 75, A/53/77-S/1998/171, A/53/79, 80, A/53/94-S/1998/309, A/53/99-S/1998/344, A/53/131-S/1998/435, A/53/165-S/1998/601, A/53/167, 203, A/53/205-S/1998/711, A/53/214, 215, A/53/225-S/1998/747, A/53/343, 404, 425, 489, 493, 494 and 497; A/C.3/53/4, 5, 7 and 9)

(a) Implementation of human rights instruments (A/53/40 (Volumes I and II), A/53/44, A/53/72-S/1998/156, A/53/95-S/1998/311, A/53/118, 125, 230, 253, 283, 339, 432 and 469)

1. **Mrs. Stamatopoulou-Robbins** (Deputy Director, New York Office of the United Nations High Commissioner for Human Rights), introducing the item, said that efforts were continuing in order to enhance the effectiveness of the human rights treaty bodies, particularly through the development of a more focused system of State reporting and better follow-up to the recommendations addressed by treaty bodies to reporting States.

2. The report of the Human Rights Committee was contained in document A/53/40 (Volumes I and II). Currently, there were 140 States parties to the International Covenant on Civil and Political Rights, and 92 and 33 States parties, respectively, to the first and second Optional Protocols to the Covenant. During the year under review, the Committee had examined initial and periodic reports of 16 States parties; it had adopted a general comment on the continuity of obligations of State parties under the Covenant, and had begun consideration of general comments on gender equality and freedom of movement. The Committee had examined a total of 33 cases under the first Optional Protocol, adopting views on 30 and declaring 3 cases inadmissible. A further 15 communications had been declared admissible and were pending examination. At the Eighteenth Meeting of State Parties to the Covenant, two new members had been elected to the Committee and seven re-elected.

3. The Committee on Economic, Social and Cultural Rights had considered 12 reports by 10 States parties to the International Covenant on Economic, Social and Cultural Rights. It had also considered the status of implementation of the Covenant by one non-reporting State. It had adopted two important statements: the first drew attention to the need to ensure that globalization did not adversely affect the enjoyment of economic and social rights and urged the international financial institutions to work with Governments to that end; the second recommended that special attention should be given to the incorporation of economic, social and cultural rights in the United Nations development-assistance framework. As to the draft optional protocol to the Covenant, the Commission on Human Rights had invited States parties to submit their views, which it would consider at its next session in 1999.

4. With regard to the other principal human rights instruments, she said that 127 and 108 States, respectively, had ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been ratified or acceded to by only nine States since its adoption by the General Assembly in 1990 and thus had not yet entered into force.

5. The report of the Committee against Torture was contained in document A/53/44. During the year under review, the Committee had considered reports by 16 States parties, as well as 70 individual communications submitted under article 22 of the Convention. The Committee's May 1998 session had been extended by one week because of its increasing workload. In its report, the Committee requested that the duration of its spring sessions should be increased to three weeks on a regular basis. The report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture was contained in document A/53/283.

6. Turning to the reports of the ninth and tenth meetings of persons chairing the human rights treaty bodies, contained in documents A/53/125 and A/53/432, respectively, she said that those meetings had provided an opportunity for dialogue with representatives of States parties concerning a number of issues, including the staffing situation, the problem of overdue reports, the backlog of States parties' reports and communications awaiting examination, and the need to ensure that recommendations by treaty bodies were given effect. It was agreed that the work of the treaty bodies constituted a core function of the United Nations, and, as such, must be adequately funded from the Organization's regular budget, although voluntary funding should be sought in order to address immediately the problem of inadequate human resources. In that connection, the chairpersons had examined a draft global plan of action to strengthen the servicing of the treaty bodies.

7. **Mr. Winnick** (United States of America) said that torture was an egregious violation of human rights and an appalling affront to the inherent dignity of the individual.

Tyranny could survive only on the basis of fear, and it was fear that torture sought to instil. Torture had a devastating impact on its victims' physical and psychological well-being. Over the past 15 years, treatment centres for victims of torture had been established around the world, and there were currently 200 treatment centres in more than 50 countries. The centres also provided non-political medical documentation of the practice of torture in specific countries. Evidence gathered was used by such bodies as the Committee against Torture, by the Special Rapporteur on torture and in bilateral diplomatic efforts.

8. Torture treatment centres also identified with the victims' aspirations for democracy and human rights, helping to strengthen the resolve of citizens to build a society based on the principles of the Universal Declaration of Human Rights. The Centre for Victims of Torture, in Minneapolis, Minnesota, had treated more than 600 victims and currently had a caseload of about 150 clients, who were served by a full range of health professionals. Many of the centre's clients had become contributing members of their communities.

9. His country, through the Torture Victims' Relief Act, provided assistance and funding for torture victims residing in the United States and abroad and had given $3 million in contributions to the Voluntary Fund for Victims of Torture, which provided critical support to treatment centres around the world. Fewer than 25 States had contributed to the Voluntary Fund. In 1998, it had barely more than $4 million to fund 124 projects in about 50 countries, whereas its need for funds in 1998 had been estimated at nearly $28 million. His delegation was therefore eager to see the circle of partners in that endeavour expand.

10. **Mr. Theuermann** (Austria), speaking on behalf of the European Union, the associated countries Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and in addition, Liechtenstein, said that the universal ratification of United Nations human rights treaties was essential for ensuring the global protection of human rights. The European Union welcomed the increased number of ratifications of human rights treaties and called upon all States that had not yet done so to sign and ratify the core international human rights instruments to achieve the goal of universal ratification within the next five years. In that context, the Union welcomed China's initiation of the process of ratifying the International Covenant on Economic, Social and Cultural Rights and its recent signature of the International Covenant on Civil and Political Rights, and looked forward to its speedy ratification and subsequent implementation of both instruments.

11. He expressed concern about the relatively low number of ratifications of the Convention against Torture. The unanimous condemnation of torture must be followed swiftly by dramatic progress in the ratification of that crucial instrument.

12. The European Union wished to stress that the Democratic People's Republic of Korea remained a State party to the International Covenant on Civil and Political Rights. International law did not permit a State that had ratified or acceded to the Covenant to denounce it or withdraw from it without the consent of all States parties. The Covenant did not provide for denunciation, and there was no intention on the part of the international community to establish such a possibility. The Union was also seriously concerned about the recent withdrawals from the first Optional Protocol to the International Covenant on Civil and Political Rights and urged the Governments concerned to reconsider those decisions.

13. The European Union was concerned about the rising number of impermissible or otherwise unacceptable reservations to human rights treaties. States should formulate any reservations deemed necessary as precisely and narrowly as possible and ensure that no reservation was incompatible with the purpose of the relevant treaty. The Union remained particularly worried about the large number of reservations to the International Convention on the Elimination of All Forms of Discrimination against Women and deplored the fact that very few reservations had been modified or withdrawn.

14. Once ratified, human rights treaties required continuous efforts to ensure respect for the human rights standards set forth in them. Governments had the prime responsibility to incorporate those standards and ensure the full enjoyment of international human rights. The Union welcomed the important role played by non-governmental organizations throughout the world in the implementation of all human rights instruments.

15. As part of their treaty obligations, States parties must cooperate with the treaty bodies that monitored implementation. The central purpose of the treaty regime was to facilitate the implementation of universal standards at the national level. He welcomed the various efforts under way to reform the work of United Nations treaty bodies in order to enhance their ability to assess the performance of States parties and formulate recommendations for further improvements. The European Union called on the treaty bodies to pursue further reforms in order to reduce unnecessary burdens on States parties and ensure adequate and timely reporting. He called for better integration of the

Committee on the Elimination of Discrimination against Women into the United Nations human rights treaty system and welcomed the results achieved at the meetings of persons chairing the human rights treaty bodies.

16. The Union remained concerned over the serious difficulties with regard to the reporting procedures under international human rights treaties. The great number of overdue reports and the backlog in the examination of reports threatened the effectiveness of the system. In cases of long-overdue reports, the treaty bodies should consider a State's compliance with its obligations in the absence of a report. More specific and focused recommendations would allow for better implementation. The European Union welcomed the leadership role of UNICEF in considering human rights instruments as a basis for its work. The Union noted with satisfaction the contributions of specialized agencies to the work of the treaty bodies and encouraged those bodies, the Office of the High Commissioner for Human Rights and the specialized agencies to intensify that cooperation. In that context, he highlighted the role of the specialized agencies under the International Covenant on Economic, Social and Cultural Rights.

17. The provisions of the treaties themselves should be given precedence in the process of nominating and electing members of the treaty bodies. Only candidates who were prepared to devote sufficient time to the work involved should be nominated. Individual complaint procedures were another important tool for ensuring that States parties complied with their obligations. The Union called upon States to consider accepting the existing complaint procedures set forth in the various treaties and protocols. While welcoming the increasing use of communication procedures, he was concerned at the delay in the examination of the large number of communications pending before the treaty bodies. The United Nations system should expand its support for that core element of the human rights system and allocate the necessary resources.

18. The European Union appreciated the progress made by the working group on the elaboration of an optional protocol to the International Convention on the Elimination of All Forms of Discrimination against Women and hoped that that work could be successfully completed the following year. It also welcomed the developments that had taken place in recent years in the elaboration of other draft protocols to various human rights treaties. The Union regretted, however, that it had not been possible to make more progress at the negotiations to elaborate a draft protocol to the Convention against Torture, and encouraged the working group to intensify its efforts to complete work in the near future.

19. **Mr. Chowdhury** (Bangladesh) said that strengthening the human rights treaty bodies was an important way to ensure the implementation of human rights instruments. All treaty bodies must have adequate resources to be able to improve the staffing situation and address the backlog of work. The proposed global plan of action to enhance the resources available to those bodies should address the particular needs of treaty bodies that did not benefit from a treaty-specific plan of action. The High Commissioner for Human Rights should ensure that the launching of the global plan of action was given priority and that the necessary resources were made available. The Committee on the Elimination of Discrimination against Women should receive enough resources to carry out its responsibilities, particularly with regard to the backlog of reports submitted by States parties. The enjoyment of human rights by women should be monitored closely by each treaty body within the purview of its mandate.

20. In order to improve their work, the treaty bodies should reduce lengthy periodic reports, avoid duplication, and eliminate long delays between their submission and consideration. Delays of up to three years must not be accepted as normal. Treaty bodies could also benefit from cooperation with United Nations specialized agencies, funds and programmes and regional organizations. The special rapporteurs and representatives contributed very significantly to the promotion and protection of human rights. An institutional arrangement between them and the treaty bodies would enable the latter to benefit from the observations and findings of the experts. The information gathered by grass-roots activists could enrich their work and result in better dissemination of information on it.

21. The High Commissioner for Human Rights should actively support the global campaign to promote the ratification and entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

22. **Mr. Xie Bohua** (China) said that human rights instruments must be implemented in a practical way through legal and administrative measures. States parties had the right and obligation to take such measures in the light of their specific conditions and could make reservations in accordance with their situation. The recommendations of treaty-monitoring bodies were not legally binding. The view that the treaty bodies determined the admissibility of reservations had no legal basis.

23. The treaty bodies should work within their mandates and increase their efficiency. They should ensure better coordination of their work to avoid duplication and thereby

reduce the burden on States parties. With regard to the implementation of provisions that were common to several treaties, States parties could submit a comprehensive report in a core document.

24. International human rights activities should be carried out through international cooperation on the basis of equality and mutual respect. States parties and human rights treaty bodies should strictly adhere to the provisions of the legal instruments in question, fulfil their respective responsibilities and conduct a dialogue based on equality and mutual respect.

25. China had consistently placed a high value on the international human rights instruments. To date, it had ratified or acceded to 17 international human rights conventions, which amply demonstrated its firm determination to promote human rights. In the future, China would continue to enhance its cooperation with the United Nations with a view to ensuring the full enjoyment of human rights and fundamental freedoms.

26. **Mr. Reyes Rodríguez** (Cuba) said that the focus in the work of the various treaty bodies should be cooperative rather than punitive because dialogue was the only way to ensure that the bodies worked effectively. In that connection, Cuba was concerned by a number of practices, such as considering reports from States parties in the absence of the State party in question, that had crept into the work of the treaty bodies.

27. The legal basis for their work lay in the texts of the relevant instruments, and Cuba was therefore concerned by the possibility of treaty bodies' presuming to practice law by overstepping the bounds of their mandates.

28. Cuba was concerned that, of the six treaty bodies, almost half the membership of three – the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Human Rights Committee – were from the Western European group of States. Cuba therefore recommended that a quota system should be put in place to ensure a balance in representation between the regions and also between the sexes.

29. Cuba was concerned also about the imbalance in the use of languages, and proposed that multilingualism should be respected in the work of the treaty bodies.

30. Cuba believed that, for their sources of information, the treaty bodies should respect the principle that the basic documents should be the reports submitted by the States parties. Any additional information submitted to treaty bodies should at the least be transmitted to the State party in question for its consideration.

31. Cuba reiterated the concern it had frequently expressed about the so-called cooperation and coordination between the Commission on Human Rights and the treaty bodies, believing that such "cooperation and coordination" would in practice contribute only to a politicization of the treaty bodies' work and, in the final analysis, jeopardize their credibility. The mandate of the Commission on Human Rights on the one hand and the mandates of the treaty bodies on the other were inherently different: the authority of the treaty bodies came from the States parties, whereas the Commission on Human Rights received its mandate from the General Assembly; in other words, in most cases its mandate was negotiated in the closed circle of the so-called traditional co-sponsors, a process which was, moreover, neither transparent nor participatory.

32. Cuba noted that – although they had done so only in isolated cases so far – the treaty bodies had arrogated to themselves the right to interpret the scope and nature of reservations by States parties, to the extent even of finding that certain reservations were not legitimate. All such actions by treaty bodies were unacceptable.

33. Cuba believed, in connection with the periodic meetings between the chairmen of the treaty bodies, that in 1999 the chairman/rapporteur of those meetings should be invited to submit the report on those meetings in person to the Third Committee, and that the Third Committee should take enough time to discuss the conclusions and recommendations: the meetings were becoming more and more important to the operation of the treaty bodies.

34. Cuba believed that ratification of human rights treaties should be universal and that all human rights treaties should be so ratified. That being the case, Cuba did not accept the so-called core-instrument concept: it was restrictive in that it made central just six of the human rights instruments in force.

35. Cuba was concerned that, whereas some human rights treaties provided for links between the treaty bodies and the specialized agencies, the so-called rights-based approach in the work of the United Nations agencies was expanding the scope of those links. The links had originally been conceived largely in terms of provision of reports by the United Nations agencies to the treaty bodies. Thus, the so-called rights-based approach was contributing to a reordering of priorities in the work of the agencies and would in the final analysis impose additional obligations on the developing countries without any corresponding increase in resources or other guarantees for them.

36. Cuba welcomed the work of the Office of the High Commissioner for Human Rights in developing consultations

with various academic institutions concerning proposals to review the operation of the treaty bodies. However, it believed that the process should be broad-based, participatory and transparent, and that it should include academic institutions and representatives not just of the developed countries but also of the developing countries.

37. **Mr. Okoudjou** (Benin) expressed his delegation's full support for the statement made on behalf of the Movement of Non-Aligned Countries.

38. He recalled that, when the founding fathers of the United Nations had included human rights in the Charter, they had been motivated by the lessons of fascism and the massive violations of human rights – true crimes against humanity – that fascism had entailed; also, in adopting the Universal Declaration of Human Rights, the international community had not only wanted to have all States recognize those inherent rights and make them international, it had also wanted more than anything to banish the spectre of the murderous conflicts that had twice had such baleful consequences for humankind.

39. Failure to respect human rights could also lead to conflict, as the many conflicts and hotbeds of tension around the globe proved. The relevant reports of the Secretary-General pointed to the same conclusion. The genocidal conflicts, both internal and external, that were currently taking place were largely attributable to religious fundamentalism and racial, ethnic and social discrimination, and in response the international community must protect human rights by implementing the relevant international conventions and plans of action.

40. Democratization of political power and good governance were effective ways of protecting and promoting human rights. Benin was taking that path, which was fruitful but difficult: in addition to the fundamental rights that Benin had been able to afford its citizens as a result, a true human rights culture was taking shape there in conformity with the Vienna Programme of Action.

41. The Member States could help the United Nations achieve its objectives if, in international solidarity underpinned by the necessary political will, they signed and implemented the relevant United Nations conventions. Benin was therefore grateful to all its partners in development for the technical and financial assistance that was helping to promote human rights and democracy there.

42. Economic growth and social development were necessary if people were to eat and have health care, housing and clothes. It was all very well to guarantee political and civil liberties, equality before the law and equality between men and women in constitutions and back them up with legislation, but rights and freedoms could not be exercised in a situation of poverty, ignorance and disease. Benin therefore welcomed the advance in the international community's recognition of the right to development as an inalienable human right.

43. Benin supported the increasing efforts of the United Nations to implement a rights-based approach to development: UNDP, UNICEF, the United Nations Population Fund (UNFPA) and the United Nations system as a whole were taking into consideration not only human needs or the needs of development but also the obligation to respect human rights.

44. In the struggle to eliminate poverty or to combat desertification, drug trafficking or international terrorism and in the various programmes to maintain and consolidate peace, the common factor was the protection and development of the individual. Thus, the real battle was to promote and protect human rights, which were the quintessence of the values through which people affirmed, together, that they were one human community.

45. **Mr. Ndjemba Endezoumou** (Cameroon) said that most States, including Cameroon, had now ratified or acceded to the various relevant international instruments and were working to protect and promote the rights that flowed from them. However, despite the progress made, the situation still gave rise to concern: the hotbeds of tension around the world led to torture, summary executions, genocide and all kinds of atrocities that were not just violations but negations of fundamental human rights. Thus, the international community should do more to promote and protect human rights, and to that end the right to development should receive the same sustained attention given to civil, political, social and cultural rights, since they were interdependent and inextricably linked.

46. The United Nations, too, should continue to promote the right to development, as that right ensured prosperity: poverty was still a factor for instability and fragility in the developing countries and must be attacked if a climate was to be created that put human dignity on a secure footing.

47. He recalled that the Minister for Foreign Affairs of Cameroon, in his address to the General Assembly on 30 September 1998, had emphasized that Cameroon had made great progress in human rights through democratizing its institutions in order to strengthen the rule of law. Cameroon had done so through new legislation that did away with all oppressive laws and restored individual and collective freedoms, including freedom of opinion, association and assembly – Cameroon currently had a number of political

parties, of which the seven largest were represented in Parliament following free, democratic and transparent elections, and many independent newspapers; censorship and political prisons had been abolished and legislation had been passed to improve protection of the interests of workers and the most vulnerable members of society. Also, in 1996 the Government had amended the Constitution to provide for new democratic institutions, to reaffirm that all citizens were equal before the law and to guarantee protection for minorities and security of the person.

48. The combined effect of those measures was a tranquil political and social climate, the reason why Cameroon had remained peaceful and stable in a region with several hotbeds of serious tension.

49. He expressed regret that, in the territorial dispute between Cameroon and Nigeria, the Nigerian authorities were unwilling to abide by the 1949 Geneva Conventions and their Protocols. He called on them to do so by authorizing the International Red Cross to visit the Cameroonian prisoners of war being held by Nigeria in the same way that Cameroon authorized the Red Cross to visit its Nigerian prisoners. He reaffirmed Cameroon's desire for a peaceful settlement to the dispute; that desire was the reason why it had taken the dispute to the International Court of Justice. In so doing, Cameroon had no desire for hegemony and had always respected its neighbours' territorial integrity, as it believed that the right to peace was an integral part of human rights.

50. The fiftieth anniversary of the Universal Declaration of Human Rights provided an opportunity to lay the groundwork for future action. In that connection, Cameroon believed that the treaty bodies should be revitalized and that United Nations consultancy services should be expanded. Also, there should be greater emphasis on human rights education and on inculcating in people the culture of peace.

51. Cameroon was therefore prepared to host the subregional human rights centre that was to be established, and felt sure that the Member States would support that project.

52. **Ms. Holíková** (Czech Republic) said that the Government of the Czech Republic was concerned at the torture and ill-treatment tolerated in the police and prison systems in many countries and, like other democratic countries, supported all efforts, national, regional and international, to counter that situation, including the efforts of the working group of the Commission on Human Rights to draft an optional protocol to the Convention against Torture. She therefore regretted that the working group had failed to make substantial progress.

53. The notion of an optional protocol had first arisen in the early 1980s, at the same time as the idea for the Convention itself; at that time, the totalitarian Government of the former Czechoslovakia had not welcomed the idea of preventing torture through a mechanism of independent visits and had hidden behind the principle of State sovereignty; it had tolerated the use of violence against prisoners as a way of conducting investigations. All that had changed after 1989, when the former Czechoslovakia had undergone the transition to democratic government.

54. The Government of the Czech Republic therefore believed that a mechanism allowing visits to any person or place under the jurisdiction of the State party to ascertain how investigations were being conducted – whereafter confidential reports would be drafted and follow-up recommendations would be made in cooperation with the State party concerned – would, as a preventive measure, eventually lead to a reduction in torture and ill-treatment. For that reason, among others, the Czech Republic had become a party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; that Convention operated on the basis not of a duty on the part of States to report, but rather of investigative visits. The Czech Republic believed that adopting a similar system for the United Nations human rights instruments would promote cooperation by States with United Nations specialized agencies and monitoring bodies, satisfy both sides and improve the situation worldwide.

55. The Czech Republic supported the guiding principles of the working group on the draft optional protocol: the persons conducting investigative visits must be independent, competent and impartial; the outcomes of such visits must be confidential; and there must be constructive dialogue between the monitoring body and the State concerned. The Czech Republic supported also the principle that the reports of the monitoring body on its visits should be published. No reservations to an eventual optional protocol should be permitted in the case of those principles.

56. The working group needed much more attention from the competent United Nations bodies, and the Czech Government therefore urged the Third Committee and the General Assembly to support the work of the working group to the utmost by urging the Commission on Human Rights to complete its work with all due speed, with the sole objective of eliminating the conditions that favoured torture and ill-treatment.

Agenda item 106: Promotion and protection of the rights of children (*continued*) (A/C.3/53/L.15)

57. **Ms. Wet** (Namibia), introducing draft resolution A/C.3/53/L.15 entitled "The girl child", on behalf of the sponsors announced that the following countries had joined the list of sponsors: Australia, Austria, the Bahamas, Belgium, Benin, Bhutan, Brazil, Bulgaria, Cameroon, Colombia, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, the Democratic Republic of the Congo, Denmark, El Salvador, Finland, France, Germany, Greece, Iceland, Indonesia, Ireland, Italy, Japan, Luxembourg, Micronesia, the Netherlands, New Zealand, Norway, Panama, Portugal, Romania, Slovenia, Spain, Suriname, Swaziland, Sweden, Trinidad and Tobago, the United Kingdom, Ukraine and Uruguay.

58. She announced also that the text of paragraph 19 of the draft resolution should be revised to read: "*Requests* the Commission on Human Rights to pay particular attention to the human rights of the girl child;".

59. The sponsors had taken account of the discussions on the critical areas of concern to the Commission on the Status of Women at its forty-second session. Their intention was that States, international bodies and non-governmental organizations should implement in full the relevant conclusions adopted by the Commission.

Organization of work

60. **Mr. Hynes** (Canada), referring to agenda item 110 (d), asked what arrangements had been made to enable non-governmental organizations and other representatives of civil society to contribute to the review of the progress made in implementing the Vienna Declaration and Programme of Action. While they had a vital role to play, it was unclear whether they would be afforded an opportunity to express their views.

61. **Mr. Reyes Rodríguez** (Cuba) said he was concerned that, unless appropriate financial support was provided, it would not be possible for non-governmental organizations from some regions to participate.

62. **Mrs. Chigaga** (Zambia) said she agreed that it was important for the broadest possible range of non-governmental organizations to be represented. She recalled that informal consultations concerning the modalities of participation by non-governmental organizations were under way, and requested that the Bureau should inform the Committee as to the progress of those consultations.

63. **Mr. Hynes** (Canada) said he understood that the United Nations High Commissioner for Human Rights would shortly be arriving in New York. The Bureau should elicit her views on the matter. He was sure that, with her input, a satisfactory solution could be found. He proposed that the Committee should defer all discussion on the matter, until such time as the consultations between the Bureau and the High Commissioner were completed.

64. *It was so decided.*

The meeting rose at 12.15 p.m.